



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE March 11, 2005	CONTACT/PHONE Elizabeth Kavanaugh 805 / 788-2010	APPLICANT Leo Michaud	FILE NO. TRACT 2605 S030129T
SUBJECT Request by Leo Michaud for a vesting tract map to subdivide an existing two parcels (totaling 20.7 acres) into 41 residential lots ranging in size from 6,000 to 11,673 square feet each for the sale and/or development of each proposed lot, and one non-buildable 12.7-acre open space parcel. Tract improvements include a public trail, utility easements, drainage improvements, and an extension of the existing local road system, including Bonita Place and Bonita Court. The proposed project is within the residential single-family land use category and is located immediately east and north of Bonita Place, approximately 250 feet north of 16 th Street in the community of San Miguel, in the Salinas River planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2605 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et. Seq., and the CA code of Regulations Section 15000 et seq) has been issued on February 10, 2005 for this project. Mitigation measures are proposed to address: aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public service, recreation, transportation, wastewater and water.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 021-051-014 and 021-051-018	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Environmental studies required for APN 021-051-014, Salinas River resource protection, compliance with the San Miguel Design Plan.			
LAND USE ORDINANCE STANDARDS: Archeology Resources, Exterior Lighting, Fencing and Screening, Height, Noise, Setbacks, Underground Utilities, Parking, Residential Accessory Uses, Grading and Drainage, and Street and Frontage Improvements			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Public Facilities/sewage treatment plant <i>South:</i> Residential Suburban; Residential Multi-Family/single-family residences <i>East:</i> Agriculture/Salinas River <i>West:</i> Industrial; Residential Multi-family/SPRR; single-family residences and vacant land			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Community Advisory Group, Public Works, County Environmental Health, County Parks, CDF, San Miguel Community Services District, APCD, Department of Fish and Game, Ag Commissions, Southern Pacific Bell, Pacific Gas and Electric, and Charter Cable.	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Non-native grasses and riparian vegetation
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire Department	ACCEPTANCE DATE: October 8, 2004

ORDINANCE COMPLIANCE:

Minimum Parcel Size

22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square feet parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on a local street	6,000 square feet
Slope	Average slope is between 0 and 15 %	6,000 square feet
Water Supply and Sewage Disposal	Community water and community sewer	6,000 square feet

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance. In addition, this subdivision provides short walkable blocks, pedestrian links to the Salinas River, and a dedicated trail corridor.

Title 22, Land Use Ordinance

This project of subsequent development is subject to and does comply with or will be conditioned to comply with the follow sections of the Title 22: Archeology Resources, Exterior Lighting, Fencing and Screening, Height, Noise, Setbacks, Underground Utilities, Parking, Residential Accessory Uses, Grading and Drainage, and Street and Frontage Improvements.

BACKGROUND

The site is a remainder parcel from Tract 1840, which was approved in 1991. In 2003, the Board of Supervisors authorized a general plan amendment that changed the land use category of this site from Residential Suburban to Residential Single Family in anticipation of this subdivision.

PLANNING AREA STANDARDS:

Section 22.104.070.F.3 of the Land Use Ordinance requires the following studies as part of a land division application on this site: San Joaquin kit fox evaluation, botanical survey, Phase II archeology survey, and noise study. All required studies were provided.

Salinas River Resource Protection section 22.104.020.D requires development be designed and located to protect the Salinas River. This is accomplished in the tract by placing the Salinas River flood hazard area and riparian area into to an open space parcel that will not be developed.

The San Miguel Design Plan requires single-family residence developments provide curb, gutter and sidewalks, and plant street trees at a minimum of one per 30 feet of frontage, planted within ten feet of the front property line. This project is conditioned to meet this requirement.

COMBINING DESIGNATIONS:

Flood Hazard Area: Approximately 13 acres of this site is in a Flood Hazard Area and is proposed as an open space parcel with no development potential. However, a drainage plan is required for any site in the Flood Hazard Area combining designation. This project is conditioned to meet this standard.

MAJOR ISSUES

Archeology - This site is in an archeologically sensitive area. To protect potential resources the applicant has agreed to retain a county-approved archeologist and a Native American representative to monitor all ground disturbing activities within sensitive areas. The applicant has also agreed to submit a monitoring plan for the review and approval of county staff.

Buildings Design – This project includes five different residence designs, in five different color schemes (see attached). The residence designs include the following interesting features: a variety of rooflines, louvered vents, exposed rafter tips, decorative pillars, and interesting window treatments. However, the following design features are in conflict the County Design Guidelines for residential single-family development and subtract from the overall appearance of the subdivision: 1) the garages sit eight to 12 feet forward from the rest of the unit, 2) some of the models front elevations show garages that are 50 percent or more than the width of the street facing elevation, and 3) as proposed, all houses can have the same front setback, creating houses lined up in a row. To remedy these inconsistencies, this project is subject to the following conditions: Garages shall sit back five feet from the front wall of the buildings on 80 percent of the units. Any unit with a garage 50 percent or more than the width of the street facing elevation shall provide garage doors that include decorative details such as windows. To remedy the houses lines up in a row appearance, any area that has more than three houses in a row shall have front set backs that are staggered by a minimum five-foot difference from the adjacent houses.

Noise - The proposed project site is located approximately 1,200 feet east of Highway 101 and immediately adjacent to the Southern Pacific Railroad. The railroad is the primary source of

noise in the area. To mitigate for potential noise exposure impacts, the applicant has agreed to implement both outdoor and interior noise mitigation measures recommended in the noise study. These measures include the construction of an eight-foot tall acoustic sound wall or six-foot tall earthen berm along the western and northern property boundaries. Interior noise mitigation measures shall apply to proposed lots 23 through 30 and 39 through 41, and shall include design features to attenuate noise.

The Salinas River bed is an additional noise source of this area based on illegal activities: motorcycle riding, camping, and target practice. These noises are from illegal activities, which the applicant is not responsible for and therefore cannot mitigate. Staff has determined as this area fills in with development these illegal activities will decrease because the future residents will be more likely to inform the County Sheriff of the illegal activities. However, this project has been conditioned to notify future residents of the nuisance created by this illegal activity.

San Joaquin kit fox - Based on the results of the San Joaquin Kit Fox Evaluation Form and prior consultation with the California Department of Fish and Game (CDFG), the applicant is required to mitigate for the loss of San Joaquin kit fox habitat at a 4:1 ratio, for total replacement acreage of 32. The applicant has agreed to pay an in-lieu fee or establish a conservation easement to mitigate for the loss of habitat. To prevent inadvertent harm during future development of the proposed project site, the applicant has agreed to retain a biologist for a pre-construction survey and implement cautionary construction measures.

Wetland and Riparian Habitat - To minimize impacts to the Salinas River corridor, the applicant has agreed to install bright construction fencing designating the boundaries of areas permitted for grading. Proposed grading plans shall designate equipment storage areas in locations that would not result in an accidental spill or leak discharging into the river. In addition, the applicant shall prepare and implement a Spill Contingency and Clean-up Plan to prevent an occurrence of spills or leaks and minimize the effects of accidental spills or leaks. To minimize impacts to riparian habitat, future plans for the public trail shall be designed to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance.

COMMUNITY ADVISORY GROUP COMMENTS: Lot sizes in the range of 5,000 to 10,000 square foot lots, larger lots are preferred; Suggest larger lots be located adjacent to the sewage treatment plant as a buffer; there would be community support for an equestrian trail in the Open Space area.

AGENCY REVIEW:

Public Works - Provide a pass through storm drain adequately sized to handle 50 year flood for all up slope areas, provide adequate corridor for 100-year flood run-off, execute a reimbursement agreement for added expense of the storm drain beyond site needs.

Environmental Health – Stock conditions for on-site water and sewer, final will-serve required before final map, and must build or bond for water and sewer improvement prior to final map.

Ag Commissioner- Less than significant impact

County Parks – Pay Quimby fees and dedicate a 25-foot trail corridor along the Salinas River

San Miguel Community Services District – Provided a well serve letter for 41 lots for fire, sewer and water.

APCD – Require a variety of mitigation for Air Quality impacts (see conditions)

Department of Fish and Game – San Joaquin kit fox mitigation at 4:1 ratio

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LEGAL LOT STATUS:

The one lot was legally created as a remainder lot of Tr. 1840 and has two accessor parcel numbers.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there no substantial evidence that the project may have a signification effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et. Seq., and the CA code of Regulations Section 15000 et. seq.,) has been issued on February 10, 2005 for this project. Mitigation measures are proposed to address: aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public service, recreation, transportation, wastewater and water.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support 41 primary dwelling and secondary dwellings.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the applicant is not developing on the open space parcel that contains the riparian vegetation and will mitigate the impact to the San Joaquin kit fox.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- G. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- I. The development will not create significant adverse effects on the natural features of the site or vicinity will preserve and protect such features through the site design, because the river bank and associated riparian vegetation is located in the non-buildable open space parcel.

- J. Natural features and topography have been considered in the design and location of all proposed physical improvements because the riverbank and associated riparian vegetation is located in the non-buildable open space parcel.
- K. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a qualified archeologist and Native American will be on site for all grading in sensitive areas.
- L. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Construction will use appropriate methods to protect the integrity of the site. Such methods include a qualified archeologist and Native American will be on site for all grading in sensitive areas, if archeological resources are found work shall stop immediately and the County Environmental department will be contacted right a way.

EXHIBIT B - CONDITIONS FOR TRACT 2605

Approved Project

1. A vesting tract map to subdivide an existing two parcels (totaling 20.7 acres) into 41 residential lots ranging in size from 6,000 to 11,673 square feet each for the sale and/or development of each proposed lot, and one non-buildable 12.7-acre open space parcel.

Access and Improvements

2. All on-site streets shall be constructed to an A-2 section within a 50 foot dedicated right-of-way.
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20-foot radius property line return at the intersection of all streets
 - b. The 50-foot road easement terminating in a county cul-de-sac as shown on the tentative map.
4. A private easement shall be reserved on the map for access to lots 14 and 40.
5. Two 10 feet wide public easements shall be reserved on the map between lots 3 and 4 and lots 15 and 16.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the County Environmental Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Location of the public access trail and the location of adjacent trees and shrubs. The propose trail shall be designed to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance.
8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

9. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions, and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is no longer required.
 - c. Submit verification that San Joaquin kit fox impact fee and mitigation measure have been completed.

Drainage

11. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

12. Electric and telephone lines shall be installed underground.
13. Cable T.V. conduits shall be installed in the street.
14. Gas lines shall be installed.

Design

15. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the tract map and on improvement plans.
16. **Prior to final map recordation**, the applicant shall revise project plans to include vertical articulation and landscaping adjacent to the sound wall if a sound wall is used.
17. **Prior to final map recordation**, the applicant shall revise project plans to include landscaping on the earthen berm if an earthen berm is used.

Fees

18. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees.
19. **Prior to final map recordation**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Services

20. **Prior to final map recordation**, the applicant shall obtain a final will-serve letter for water, and sewage service from the San Miguel Community Services District.

21. **Prior to final map recordation**, the applicant shall submit a full-size copy of proposed plans to the County Department of Environmental Health. The plans shall include all facilities including drainage systems, sewer lines, and water wells.

Open Space Easement

22. **Prior to final map recordation**, an open space easement shall be recorded for the open space parcel. It is to be held in one of the following ways: single ownership, in common by the Homeowner's Association, or transferred to a public trustee conservancy agency approved by the Department of Planning and Building. The open space parcel is to be maintained as such in perpetuity.

Mitigation Monitoring

23. Upon completion of all monitoring/mitigation activities, **and prior to final map recordation**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Conditions required prior to approval of tract improvements

Air Quality

24. **Prior to approval of tract improvements**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
25. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

26. **Prior to approval of tract improvements**, the following notes shall be shown on the construction plans, and shall be implemented during construction:
- Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.

Biological

27. **Prior to approval of tract improvements**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
- Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 32 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$80,000. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- Purchase 32 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 32 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not allow for or imply public access.

28. **Prior to approval of tract improvements**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly report to the County Planning and Building Department to ensure compliance with mitigation measures.
29. **Prior to approval of tract improvement**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.

30. **Prior to approval of tract improvements**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
31. **Prior to approval of tract improvements**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
32. **Prior to approval of tract improvements**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

Cultural Resources

33. **Prior to approval of tract improvements**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures
 - g. Description of monitoring reporting procedures.
34. **Prior to approval of tract improvements**, the applicant shall retain qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities on within the extension of Bonita Place and on proposed lots 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as an archaeologist and any other appropriate individuals can evaluate the resource. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Drainage

35. **Prior to approval of tract improvements**, the applicant shall submit a drainage plan that is approved by the county Public Works Department.

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36. **Prior to approval of tract improvements**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).

Conditions required prior to final inspection of tract improvements

37. **Prior to final inspection of tract improvements**, the applicant shall construct the approved sound wall or earthen berm.

Additional Map Sheet

38. The applicant shall prepare an additional map sheet to be approved by the County of Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. Designated building sites (and access drives) in any area that has more than three houses in a row with front set backs that are staggered by a minimum five-foot difference from the adjacent houses. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
 - b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - c. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - d. The limits of inundation from a 100-year storm over lot 42 from the Salinas River shall be shown on the additional map and note the required building restriction in the on the sheet.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - f. Notification to prospective buyers and future owners of the property the location and operation of the adjacent wastewater treatment plant and a written release of information regarding exposure to objectionable odors.
 - g. Notification to prospective buyers and future owners of the property that the property is in an area subject to noise generated from illegal activity within the Salinas River.
 - h. **Prior to issuance of a building permit**, a landscape plan shall be submitted to and approved by the Planning Department that includes landscaping for the public access easements between lots 3 and 4 and between lots 15 and 16, landscaping along the noise wall or berm, and clustered street trees at a minimum of one per every 30 feet of frontage, planted within ten feet of the front property lines.
 - i. Prior to final of any related building permit, all approved landscaping shall be installed.
 - j. **Prior to issuance of construction permits**, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the

applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos

Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

- k. During construction/ground disturbing activities for residential construction, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and, Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- l. **Prior to issuance of construction permits**, the following notes shall be shown on construction plans, and shall be implemented during construction:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
 - d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
 - e. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - f. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - g. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and, Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
- m. **Prior to issuance of a construction permits**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly report to the County Planning and Building Department to ensure compliance with mitigation measures.
- n. **Prior to issuance of a construction permits**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
- o. **Prior to issuance of construction permits**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
- p. **Prior to issuance of construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
- q. **Prior to issuance of construction permits**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
- r. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification.
 - g. Description of monitoring reporting procedures.
- s. **Prior to issuance of construction permits**, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities on within the extension of Bonita Place and on proposed lots 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the

resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

- t. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- u. Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
- v. **Prior to sale of individual lots**, the applicant shall provide a notification including the location and operation of the adjacent wastewater treatment plant. The notice shall include a release of information regarding exposure to objectionable odors.
- w. **Prior to issuance of construction permits**, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - a. Prior to issuance of construction permit and within 30 days prior to initiation of construction, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
 - b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.
- x. **Prior to issuance of construction permits**, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.
- y. **Prior to construction**, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
- z. To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning

prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- aa. During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.
 - bb. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.
 - cc. Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
 - dd. All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.
 - ee. No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:
 - a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential San Joaquin kit fox den: 50 feet
 - 2) Known San Joaquin kit fox den: 100 feet
 - 3) San Joaquin kit fox pupping den: 150 feet.
 - b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
- If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project,

excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

- ff. Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.
- gg. **Prior to final inspection**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
 - a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches:
 - b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.
- hh. **Prior to issuance of construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.
- ii. **Prior to issuance of construction permits**, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.
- jj. **Prior to issuance of permits to construct the public access trail**, the applicant shall submit copies of permits and authorizations from the California Department of Fish and Game, Regional Water Quality Control Board, and United States Army Corps of Engineers or documentation that these permits are not necessary.
- kk. **Prior to ground disturbance on proposed Lots 7, 8, 14, 15, 16, 17, 18, 19, 20, 21**, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as an archaeologist and any other appropriate individuals can evaluate the resource. The applicant shall implement the mitigations as required by the Environmental Coordinator.
- ll. Upon completion of all monitoring/mitigation activities, and prior to final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
- mm. **Prior to issuance of construction permits**, the applicant shall submit plans for either an 8-foot tall soundwall or a six-foot tall earthen berm to be constructed along the northern and western property boundaries of the residential lots. The noise barrier may consist of a combination soundwall and earthen berm. The noise barrier shall incorporate design features and landscaping to minimize a blocky appearance.

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- nn. **Prior to issuance of construction permits**, for future residences, the applicant shall submit plans showing the following elements:
- a. Vents and roof penetrations: Soffit vents, cave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source wherever possible. In addition, roof and attic facing the noise source shall be baffled.
 - b. Walls: The walls of habitable spaces of dwelling units nearest the noise source shall have wall construction with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or equivalent on 2" x 4" stud walls with minimum R-13 insulation and two layers of ½" gypsum board on the interior will provide an S.T.C. rating of 30 or greater along these walls. The same S.T.C. rating of 30 or greater can be achieved with a ½" soundboard applied to the outside of the studs with minimum R-13 insulation and one layer of ½" gypsum board on the interior.
 - c. Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof construction on the side of the dwellings nearest transportation noise source shall receive special attention during construction. All construction openings and joints on the walls on the noise facing side of the Project shall be insulated, sealed and caulked with a resilient, non-hardening, acoustical caulking material. All such openings and joints shall be airtight to maintain sound isolation.
 - d. Windows: To meet the interior Ldn 45 dBA requirements, windows for habitable spaces of affected units facing the noise source shall be of minimum double-glazed construction and installed with an interior glass sash in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an S.T.C. rating of 30 or better, as determined in testing by an accredited acoustical laboratory. Windows and sliding glass doors shall be mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
 - e. Doors: Exterior doors shall be of solid core, with perimeter weather stripping and threshold seals on all exterior doors of impacted units facing the noise source shown in Figure 5 to the north and west.
 - f. Note to potential buyers and future owners of the property that this property is in an area subject to noise generated from illegal activity within the Salinas River.
- oo. **Prior to issuance of construction permits**, for future residences, the applicant shall submit plans showing the following elements:
- a. Garages shall sit back at least five feet from the front wall of 80 percent of the units.
 - b. Any unit in which the garage is 50 percent or more than the width of the street facing side shall provide for garage doors that include decorative windows.

Covenants, Conditions and Restriction

39. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - b. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - c. The limits of inundation from a 100-year storm over lot 42 from the Salinas River

- shall be shown on the additional map and note the required building restriction in the on the sheet.
- d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - e. Notification to prospective buyers and future owners of the property the location and operation of the adjacent wastewater treatment plant and a written release of information regarding exposure to objectionable odors.
 - f. Notification to prospective buyers and future owners of the property that the property is in an area subject to noise generated from illegal activity within the Salinas River.

Miscellaneous

- 40. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 41. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- 42. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 43. The subdivider shall as a condition of approval of this tentative or parcel map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

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11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Elizabeth Kavanaugh
and reviewed by Kami Griffin, Supervising Planner

**DEVELOPER'S STATEMENT FOR THE
MICHAUD TRACT MAP TR2605; S030129T**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AESTHETICS

- V-1 Prior final map recordation,** the applicant shall revise project plans to include vertical articulation and landscaping adjacent to the sound wall.

Monitoring: The Department of Planning and Building shall verify required elements on plans and implementation in the field.

AIR QUALITY

- AQ-1 Prior to approval of tract improvements or issuance of grading permit,** the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: Compliance shall be verified by the APCD in consultation with the County Department of Planning and Building.

- AQ-2 During construction/ground disturbing activities,** the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;

- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
- e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

Monitoring: Compliance shall be verified by the APCD in consultation with the County Department of Planning and Building.

AQ-4 Prior to issuance of building permits, the applicant shall demonstrate that the building energy efficiency rating would be increased by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways including, but not limited to, the following measures:

- a. Roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs;
- b. High efficiency, gas or solar water heaters;
- c. Built-in energy efficient appliances;
- d. Double-paned windows;
- e. Low energy street lights (i.e. sodium);
- f. Energy efficient interior lighting;
- g. Installation of door sweeps and weather stripping if more efficient doors and windows are not available; and,
- h. High efficiency or gas space heating.

Monitoring: Compliance shall be verified by the County Department of Planning and Building, in consultation with the APCD.

AQ-5 Prior to issuance of construction permits, the following notes shall be shown on construction plans, and shall be implemented during construction:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; and,
- d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.

Monitoring: Compliance shall be verified by the County Department of Planning and Building in consultation with the APCD.

AQ-6 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.

Monitoring: Compliance shall be verified by the APCD in consultation with the County Department of Planning and Building.

BIOLOGICAL RESOURCES

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the project site, and consultation with the Department of Fish and Game (Bob Stafford; April 14, 2003), the mitigation ratio is 4:1. Total compensatory mitigation required for the project is 32 acres, based on 4 times 8 acres impacted. The mitigation options identified in BR-1 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of a grading permit, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 32 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) or other Department-approved organization pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", totals \$80,000. This fee must be paid after the Department provides written notification about the approved mitigation options, and prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 32 credits in an approved conservation bank, which would Provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 32 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

The purpose of the easement is to retain the existing wildlife movement corridor located on the project site and to set aside an un-fragmented section of land that will benefit the San Joaquin kit fox along with other associated plant and animal species. The easement shall:

- 1) Provide a complete corridor through the subject property;
- 2) Prohibit development of the area, including agricultural development;
- 3) Prohibit removal or alteration of native plants and animals;
- 4) Prohibit use of the area for agricultural staging activities or storage of any kind;
- 5) Allow for scientific investigation conducted as part of a project of plan instigated by the land owner, or otherwise approved by the land owner and the United States Fish and Wildlife Service and/or California Department of Fish and Game; and
- 6) Allow for flood control and stream bank stabilization activities conducted with approved state, federal, and local permits.

The easement shall not:

- 7) Allow for or imply public access.

Monitoring: The Department of Planning and Building shall verify receipt of verification letter and shall approve mitigation in consultation with the California Department of Fish and Game.

BR-2 Prior to issuance of construction permit, the applicant shall retain a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game and the San Luis Obispo County Department of Planning and Building/Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. *Prior to issuance of construction permit and within 30 days prior to initiation of construction*, conduct a pre-construction survey for active kit fox dens and submit a letter to the Department of Planning and Building confirming the completion and results of pre-construction survey.
- b. Conduct weekly site visits during construction activities and submit weekly reports to the County Planning and Building Department to ensure compliance with mitigation measures.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and monitoring reports.

- BR-3** Prior to issuance of construction permit, roads on the subject property shall be posted with a 25-mile per hour (mph) speed limit or lower to reduce the likelihood of road mortality of the San Joaquin kit fox. The retained biologist shall discuss compliance in the initial pre-construction survey letter.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance. The Department of Planning and Building shall verify receipt of pre-construction survey letter and monitoring reports.

- BR-4** Prior to construction, all personnel associated with the project shall attend a worker education program conducted by the retained biologist regarding the San Joaquin kit fox. Specifics of this program should include San Joaquin kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

Monitoring: All workers shall sign a training attendance sheet; the sheet shall be submitted to the Department of Planning and Building.

- BR-5** To prevent entrapment of the San Joaquin kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped San Joaquin kit fox. Any San Joaquin kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-6** During the construction, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a San Joaquin kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the San Joaquin kit fox has escaped.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-7** All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be

allowed. All waste products shall be disposed of in a manner that would not attract red fox, coyotes, or domestic dogs to the area.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-8** Use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-9** All workers and associated personnel shall obey the posted 25-mph speed limit. Additionally, vehicular activity between dusk and dawn shall be kept to a minimum.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

- BR-10** No San Joaquin kit fox dens were observed during the field surveys. However, if any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

- a. Fenced exclusion zones shall be established around all San Joaquin kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential San Joaquin kit fox den: 50 feet
 - Known San Joaquin kit fox den: 100 feet
 - San Joaquin kit fox pupping den: 150 feet
- b. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
- c. If any known or potential San Joaquin kit fox dens are discovered within the building envelope which shall be unavoidably destroyed by the proposed project, excavation of San Joaquin kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

BR-11 Any project contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project or operation. In the event that such observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

Monitoring: Compliance shall be documented in the weekly monitoring reports.

BR-12 **Prior to final inspection**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire stand/pole is used, the lowest strand shall be no closer to the ground than twelve inches;
- b. If a solid wire mesh fence is used, eight-inch by twelve-inch openings near the ground shall be provided at least every 300 feet.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94559
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

Monitoring: Compliance shall be documented in the weekly monitoring reports or by the County Department of Planning and Building.

BR-13 **Prior to issuance of grading and construction permits**, the applicant shall install bright temporary construction fencing along the perimeter of areas proposed for grading and development. The use and storage of equipment, materials, and soils shall not be permitted outside of areas proposed for grading and development.

Monitoring: The County Department of Planning and Building shall verify compliance.

BR-14 Prior to issuance of grading and construction permits, the applicant shall submit a spill contingency and clean-up plan to minimize the discharge of oils, fuels, and materials into the drainage area. The plan shall include precautionary measures to avoid leaks, a list of clean-up materials to be stored onsite, and an implementation plan for clean-up in the event of a spill.

Monitoring: The County Department of Planning and Building shall verify compliance.

BR-15 Prior to issuance of permits to construct the public access trail, the applicant shall submit plans showing the location of the trail and the location of adjacent trees and shrubs. The proposed trail shall be designed to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance.

Monitoring: The County Department of Planning and Building shall verify compliance.

BR-16 Prior to issuance of permits to construct the public access trail, the applicant shall submit copies of permits and authorizations from the California Department of Fish and Game, Regional Water Quality Control Board, and United States Army Corps of Engineers or documentation that these permits are not necessary.

Monitoring: The County Department of Planning and Building shall verify compliance.

CULTURAL RESOURCES

CR-1 Upon submittal of tract improvement plans, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures.

Monitoring: The Department of Planning and Building shall verify receipt and approval of the monitoring plan.

CR-2 Prior to ground disturbance within the extension of Bonita Place and on proposed Lots 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, the applicant shall retain a qualified archaeologist and Native American approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.

Monitoring: The Department of Planning and Building shall verify receipt and daily and/or weekly monitoring reports.

- CR-3** Upon completion of all monitoring/mitigation activities, and prior to map recordation, occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: The Department of Planning and Building shall verify receipt of final monitoring report.

NOISE

- N-1** Prior to issuance of construction permits, the applicant shall submit plans for either an 8-foot tall soundwall or a six-foot tall earthen berm to be constructed along the northern and western property boundaries of the residential lots. The noise barrier may consist of a combination soundwall and earthen berm. The noise barrier shall incorporate design features and landscaping to minimize a blocky appearance.

Monitoring: The Department of Planning and Building shall review and approve all required plans.

- N-2** Prior to final inspection of tract improvements, the applicant shall construct the approved soundwall or earthen berm.

Monitoring: The Department of Planning and Building shall verify compliance.

- N-3** Prior to issuance of construction permits for future residences, the applicant shall submit plans showing the following elements:

- a. Vents and roof penetrations: Soffit vents, cave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source wherever possible. Roof and attic facing the noise source shall be baffled.
- b. Walls: The walls of habitable spaces of dwelling units nearest the noise source shall have wall construction with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or equivalent on 2" x 4" stud walls with minimum R-13 insulation and two layers of ½" gypsum board on the interior will provide an S.T.C. rating of 30 or greater along these walls. The same S.T.C. rating of 30 or greater can be achieved with a ½" soundboard applied to the outside of the studs with minimum R-13 insulation and one layer of ½" gypsum board on the interior.
- c. Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof construction on the side of the dwellings nearest transportation noise source shall receive special attention during construction. All construction openings and joints on the walls on the noise facing side of the Project shall be insulated, sealed and caulked with a resilient, non-hardening, acoustical caulking material. All such openings and joints shall be airtight to maintain sound isolation.

- d. Windows: To meet the interior Ldn 45 dBA requirements, windows for habitable spaces of affected units facing the noise source shall be of minimum double-glazed construction and installed with an interior glass sash in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an S.T.C. rating of 30 or better, as determined in testing by an accredited acoustical laboratory. Windows and sliding glass doors shall be mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
- e. Doors: Exterior doors shall be of solid core, with perimeter weather stripping and threshold seals on all exterior doors of impacted units facing the noise source shown in Figure 5 to the north and west.

Monitoring: The Department of Planning and Building shall verify review and approval of required elements on plans.

RECREATION

- R-1** Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Monitoring: The Department of Planning and Building shall verify compliance.

WASTEWATER

- WW-1** Prior to recordation of final map, the applicant shall obtain a final will-serve letter for sewage service from the San Miguel Community Services District.

Monitoring: The Department of Planning and Building shall verify receipt of valid will-serve letter.

- WW-2** Prior to recordation of final map, the applicant shall submit a full-size copy of proposed plans to the County Department of Environmental Health. The plans shall include all facilities including drainage systems, sewer lines, and water wells.

Monitoring: The Department of Planning and Building, in consultation with the Department of Environmental Health shall verify compliance.

WATER

- W-1** Prior to recordation of final map, the applicant shall obtain a final will-serve letter for water service from the San Miguel Community Services District.

Monitoring: The Department of Planning and Building shall verify receipt of valid will-serve letter.

- W-2** **Prior to issuance of construction permits**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).

Monitoring: The Department of Planning and Building shall verify receipt of SWPPP.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

Date

Name (Print)

3-35

17



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

NOV 14 2003

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

Nov. 14, 2003

FROM

Pub Works

FROM
70

No. County Team

(Please direct response to the above)

TR 03 ²⁶⁰⁵ ~~2278~~

5030129T/ Michaud

Project Name and Number

Development Review Section (Phone: 788-

2009)

PROJECT DESCRIPTION:

42 Parcel subdivision

Return this letter with your comments attached no later than:

Dec 1, 2003

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒

YES (Please go on to Part II)

☐

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒

NO (Please go on to Part III)

☐

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - STUCKS ATTACHED. DRAINAGE IS A PROBLEM IN SAN MIGUEL - THEY WILL NEED TO: PROVIDE A PASS THROUGH STORM DRAIN ADEQUATELY SIZED TO HANDLE THE 50 yr STORM FLOW ALL UP-SLOPE AREAS FROM THE WEST PROPERTY LINE TO SALINAS RIVER; PROVIDE AN ADEQUATE CORRIDOR (STORM DRAIN AND SURFACE FLOW) FOR 100 yr run-off to prevent flooding of structures in the area; EXECUTE A REIMBURSEMENT AGREEMENT FOR THE ADDED EXPENSE OF THE STORM DRAIN BEYOND SITE NEEDS, THE AGREEMENT TO BE TIED TO A FLOOD

Date 31 Dec 2003

Name Goodman

Phone 5252

see
other
side



3-36 17

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

NOV 14 2003

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED

DEC 3 2003

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE: Nov. 14, 2003

TO: ENV Health

FROM: No. County Team

(Please direct response to the above)

TR 03-278

3030129T / Michaud
Project Name and Number

Development Review Section (Phone: 788-

2009)

PROJECT DESCRIPTION:

42 Parcel subdivision

Return this letter with your comments attached no later than:

Dec 1, 2003

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES (Please go on to Part II)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide applicant with stock conditions for community water and sewer. Applicant will need to submit an intent to serve and full site map showing ALL facilities on site (ie. watercourse, wells etc.) in order to receive preliminary approval. A final well serve and either building or bonding for water & sewer improvements will be required prior to

12-1-03

Date

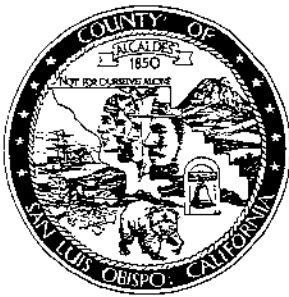
Name

Laurie Sal

781-5551

Phone

map recordation



3-37
County of San Luis Obispo • Public Health Department

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

December 2, 2003

EDA Design Professionals
1998 Santa Barbara Street, Suite 200
San Luis Obispo, CA 93401

ATTN: CHRISTINA GUYNES
RE: TENTATIVE TRACT MAP 2605 (Midland Pacific)

Water Supply and Wastewater Disposal

This office is in receipt of a preliminary will serve letter from the San Miguel Community Services District to provide water and sewer services to the above noted tract map. Be advised that a final will serve letter and a full size map will be required prior to final recordation. The water and sewer improvements will also need to be built prior to recordation or a monetary bond placed with the county in order to delay construction.

TRACT 2605 is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c Kami Griffin, County Planning
Elizabeth Kavanaugh, County Planning
SMCSD

RECEIVED

DEC 5 2003

Planning & Bldg

TO: Elizabeth
Kavanaugh

3-38

RECEIVED

DEC 17 2003



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

Planning & Bldg

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: December 17, 2003

TO: Elizabeth Kavanaugh, Planner I

FROM: Lynda L. Auchinachie, Environmental Resource Specialist *YH*

SUBJECT: Michaud Tract Map, S030129T (0805)

Summary of Findings

The Agriculture Department's review finds that the proposed subdivision of a 21 acre parcel into 42 parcels ranging in size from 6,000 square feet to 13 acres will have:

- ☐ **Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- ☒ **Less than significant** impact(s) to agricultural resources or operations because the 800 hundred foot separation between the proposed residences and the agriculture area will provide adequate buffer to reduce potential land use incompatibilities.
- ☐ **No Anticipated Impact** to agricultural resources or operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.



SAN LUIS OBISPO
COUNTY PARKS

MEMO

TO: North County Team, Planning and Building

FROM: Jan Di Leo

DATE: December 3, 2003

RE: Michaud Tract Map (S030129T) (TR 2278)

This memo is regarding the proposed Tract Map for Assessor Parcel Numbers 021-051-004 and 021-051-014 that are located within the unincorporated community of San Miguel. Under the project proposal, the applicant would be creating forty-two parcels for residential single family development.

The County's *Natural Areas Plan* designates the Salinas River as a natural park for restoration and protection. As a result, the applicants reclamation plan should incorporate methods for restoration and protection of the Salinas River Corridor. In addition, the *County Trails Plan* indicates a trail along the Salinas River between Santa Margarita Lake and the Monterey County line. The Parks Division would require the following:

1. Require applicant to pay Quimby and Building Division fees.
2. The applicant shall offer to dedicate the following trail corridor:

A twenty five (25) foot wide trail corridor (in fee or by easement) to ensure public access along those parcels under this application contiguous with the Salinas River (Lot 42 of the Vesting Tentative Map). The location of the trail corridor would be subject to the review and approval by the Parks Division prior to the recording of the final map. Please note, many times the required trail condition can be located on existing roads and or pathways.

If you have any questions regarding project requirements please call me at (805) 781- 4089.
Thank you for the opportunity to comment.

c: EDA, Attn: Mike Hodge, 1998 Santa Barbara Street, San Luis Obispo, CA 93405
Midland Pacific Building Corp., 6955 El Camino Real, # 200, Atascadero, CA 93422

W12



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

3-40

RECEIVED
DEC 5 2003
Planning & Bldg

DATE: December 1, 2003

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Dominic A. Farinha
San Luis Obispo County Air Pollution Control District

SUBJECT: 42 Parcel San Miguel Subdivision (TR 03-2278, S 030129T, Michaud)

GENERAL COMMENTS

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 1700 N Street, San Miguel. We have the following comments on the proposal.

SPECIFIC PROJECT COMMENTS

District staff have evaluated the project and determined that it will likely fall below the District's CEQA air quality thresholds for significant air quality impacts. The project will subdivide approximately 8 acres into 42 residential single family parcels in an area that is zoned for both residential suburban and multi-family developments. About 12 acres of flood hazard area will be preserved as open space and the District applauds this. The potential housing density that could result after the parcels have been defined is 5.3 homes per acre. The District recommends the average density within an Urban Reserve Line (URL) to be 7 homes per acre. The District also realizes that zoning modifications will likely be necessary for this project and supports flexible planning in facilitating practical and smart in-fill of parcels within the URL.

As a commenting agency in the California Environmental Quality Act review process for a project, the District assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. The following are the District comments that are pertinent to this project.

CONSTRUCTION PHASE MITIGATION

Odor Nuisance

The District recognizes the potential incompatibility of developing homes adjacent to the San Miguel sewage treatment plant. Should this project move forward, we recommend a buffer zone with tall filtering foliage be required to be installed in a sustainable fashion by the project proponent to minimize odor impacts to the new residents of the development.

Naturally Occurring Asbestos

Naturally Occurring Asbestos has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is

42 Parcel San Miguel Subdivision
December 1, 2003
Page 2 of 2

conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Dust Control

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's Rule 402 "Nuisance". District staff recommends the following measures be incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

DAF/AJM/sll

cc: Karen Brooks, Enforcement Division

3-47

PROJECT REFERRAL

DATE: April 14, 2003

TO: Bob Stafford, California Department of Fish and Game

FROM: Shawna Scott, Resource Specialist

SUBJECT: Applicant: San Miguel Investments General Plan Amendment
File Number: G020003M

PROJECT DESCRIPTION: A request for a General Plan Amendment to change the land use category for a 23-acre parcel from Residential Suburban to Residential Single Family (9 acres) and Open Space (14 acres)

PART 1 IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X

YES (Please go on to Part II)

____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X

NO (Please go on to Part III)

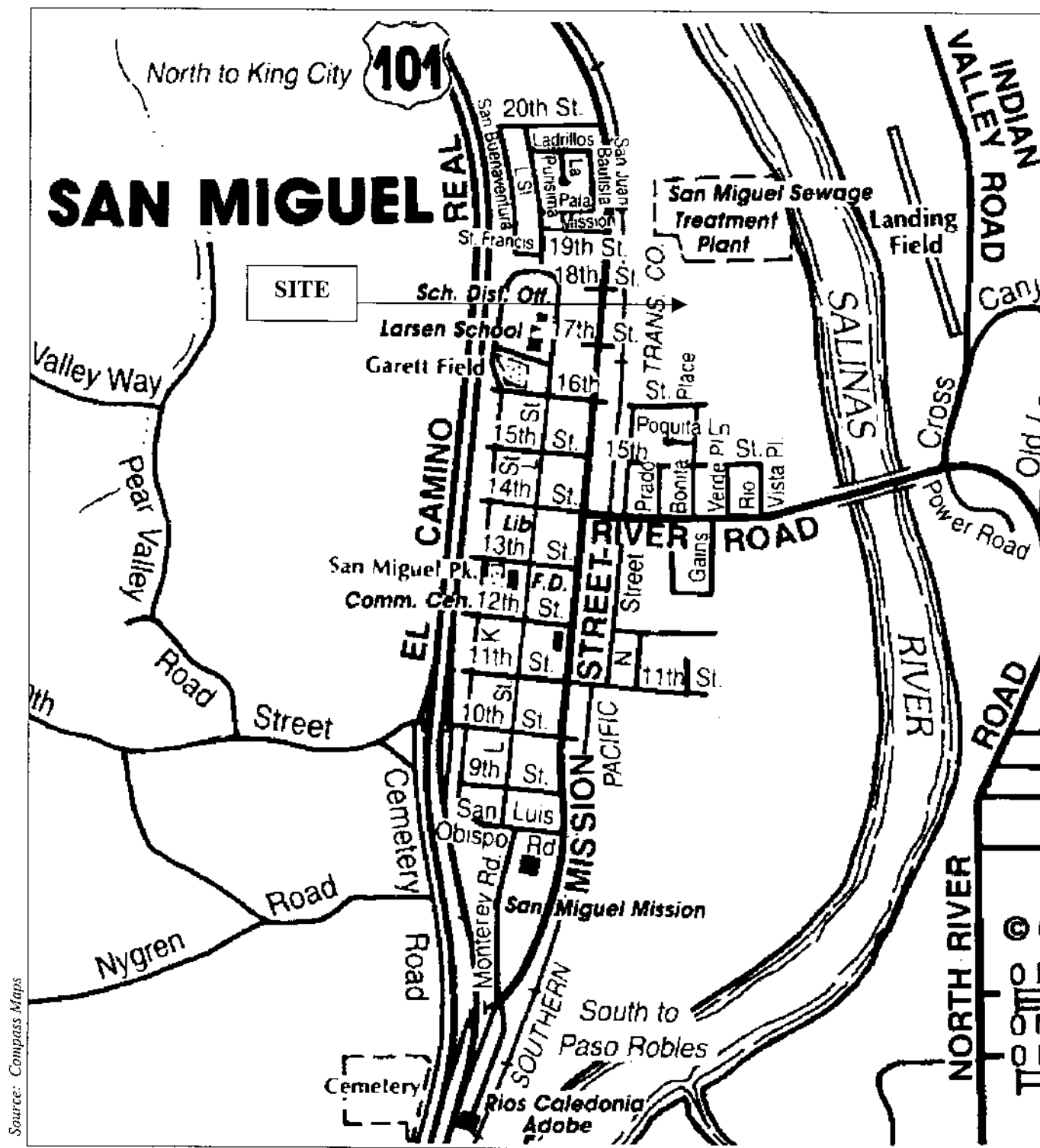
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL (805) 543-7095 extension 111.

Source on bit for habitat evaluation form changed
to 81 to accurately reflect on site conditions. 4:1
mitigation necessary to reduce project impacts to
less than significant.

Response Date:

Name:

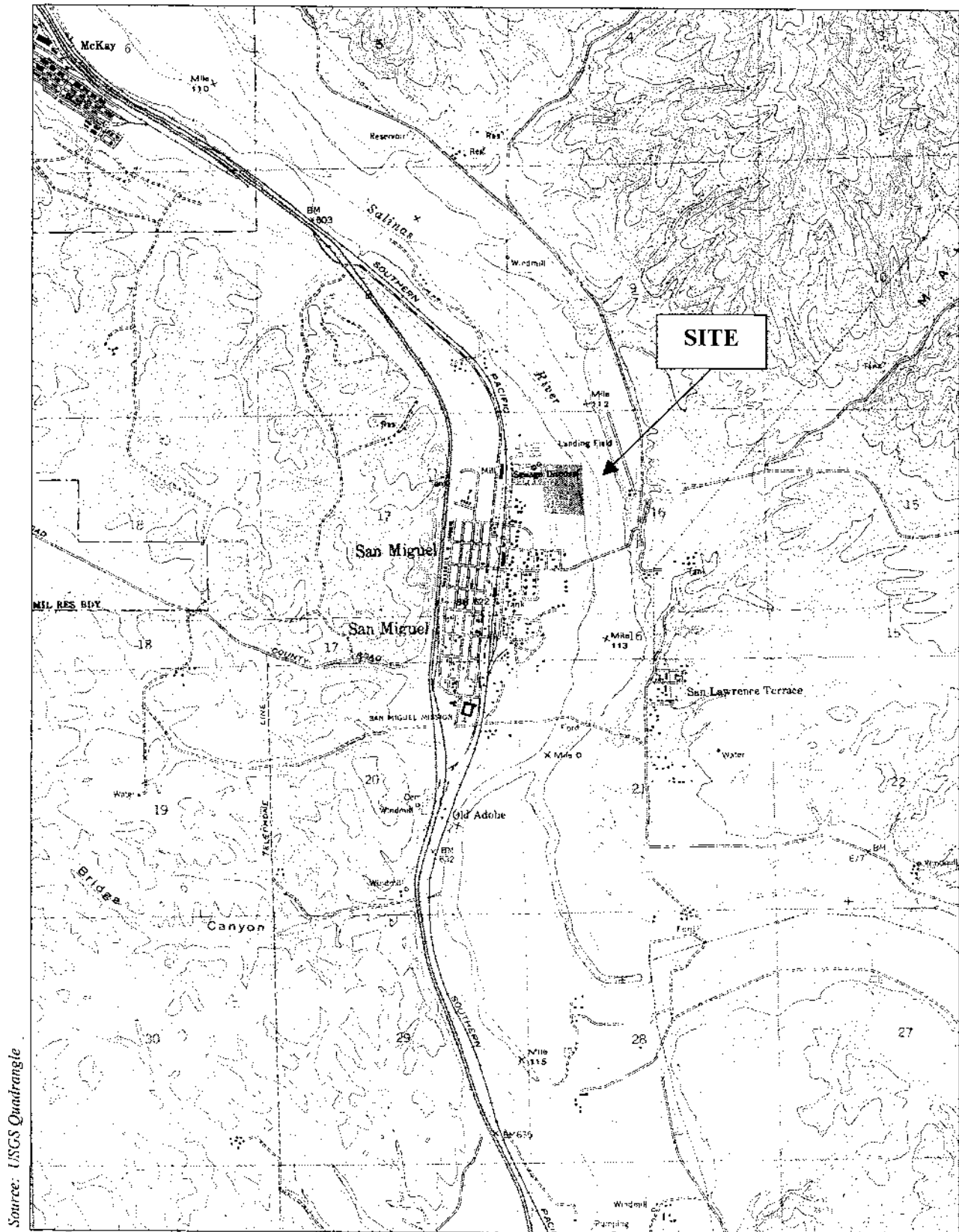


NORTH
Not to Scale

Morro Group, Inc.

VICINITY MAP

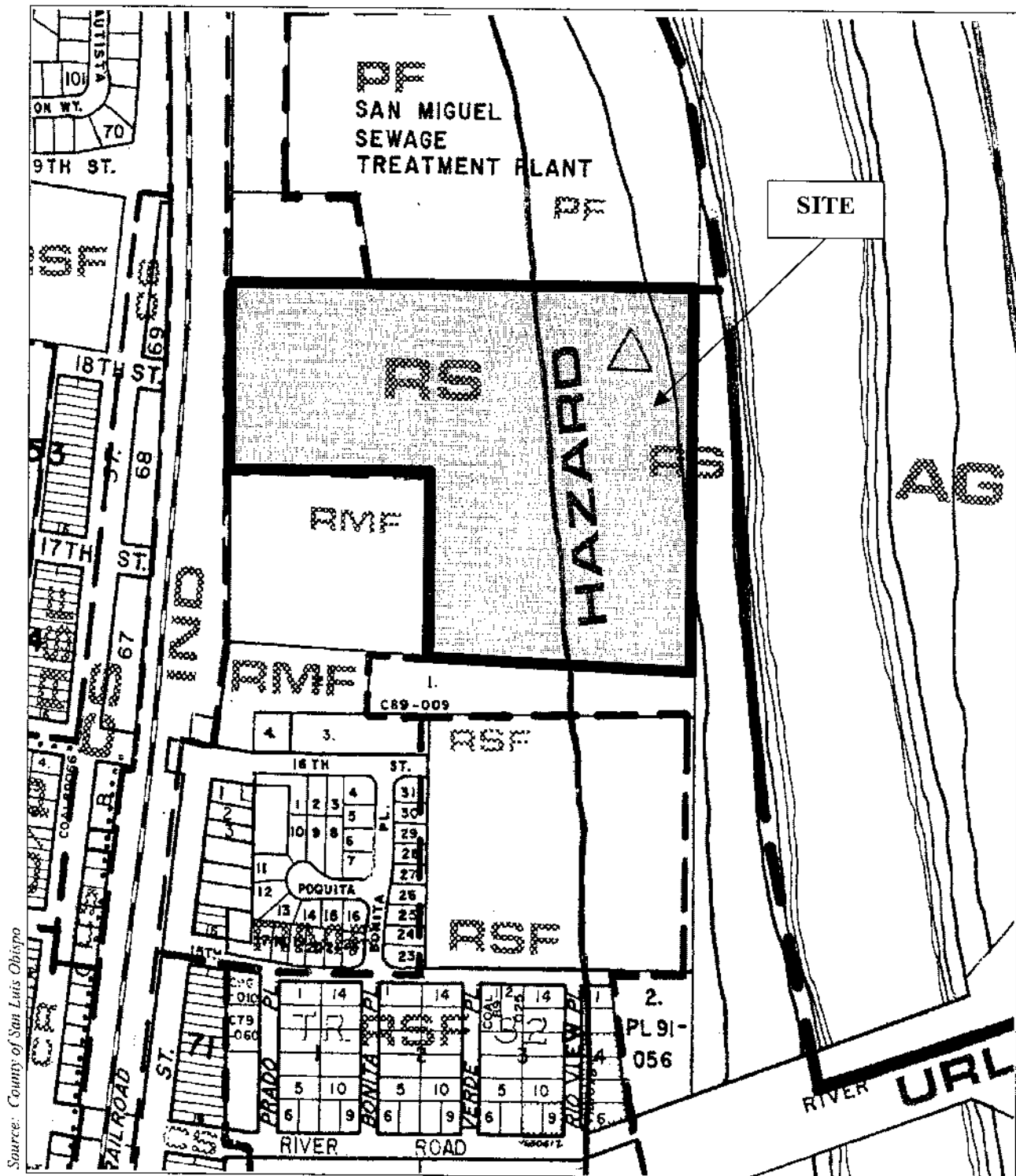
FIGURE 1



NORTH
Not to Scale

**USGS LOCATION MAP
FIGURE 2**

3-45



Source: County of San Luis Obispo



NORTH
Not to Scale

LAND USE CATEGORY MAP
FIGURE 3



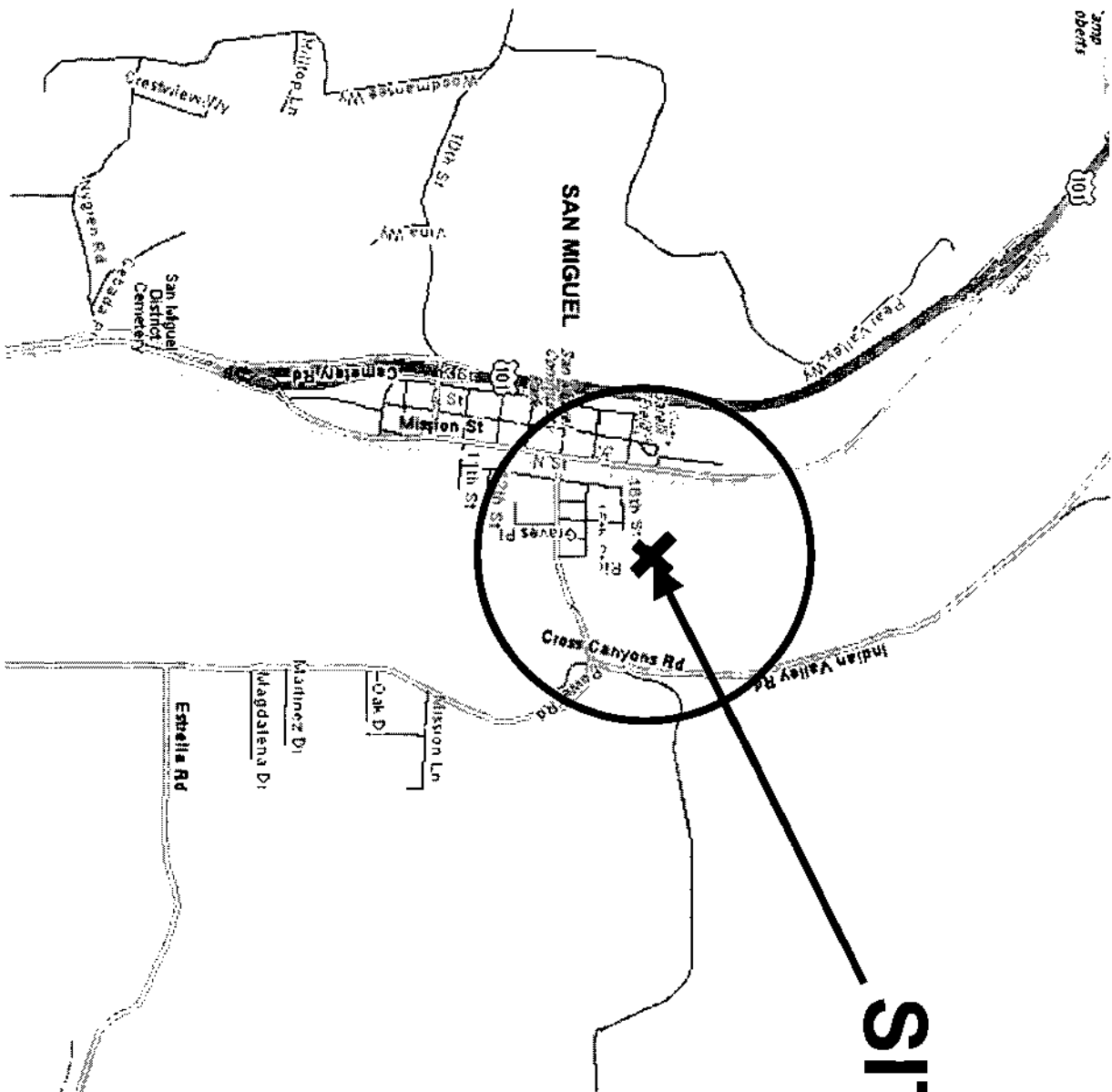
NORTH
Not to Scale

Morro Group, Inc.

PROPOSED TRACT MAP
FIGURE 4

3-417

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map
Michaud S030129T



EXHIBIT

Vicinity Map



Tract Map

Michaud S030129T

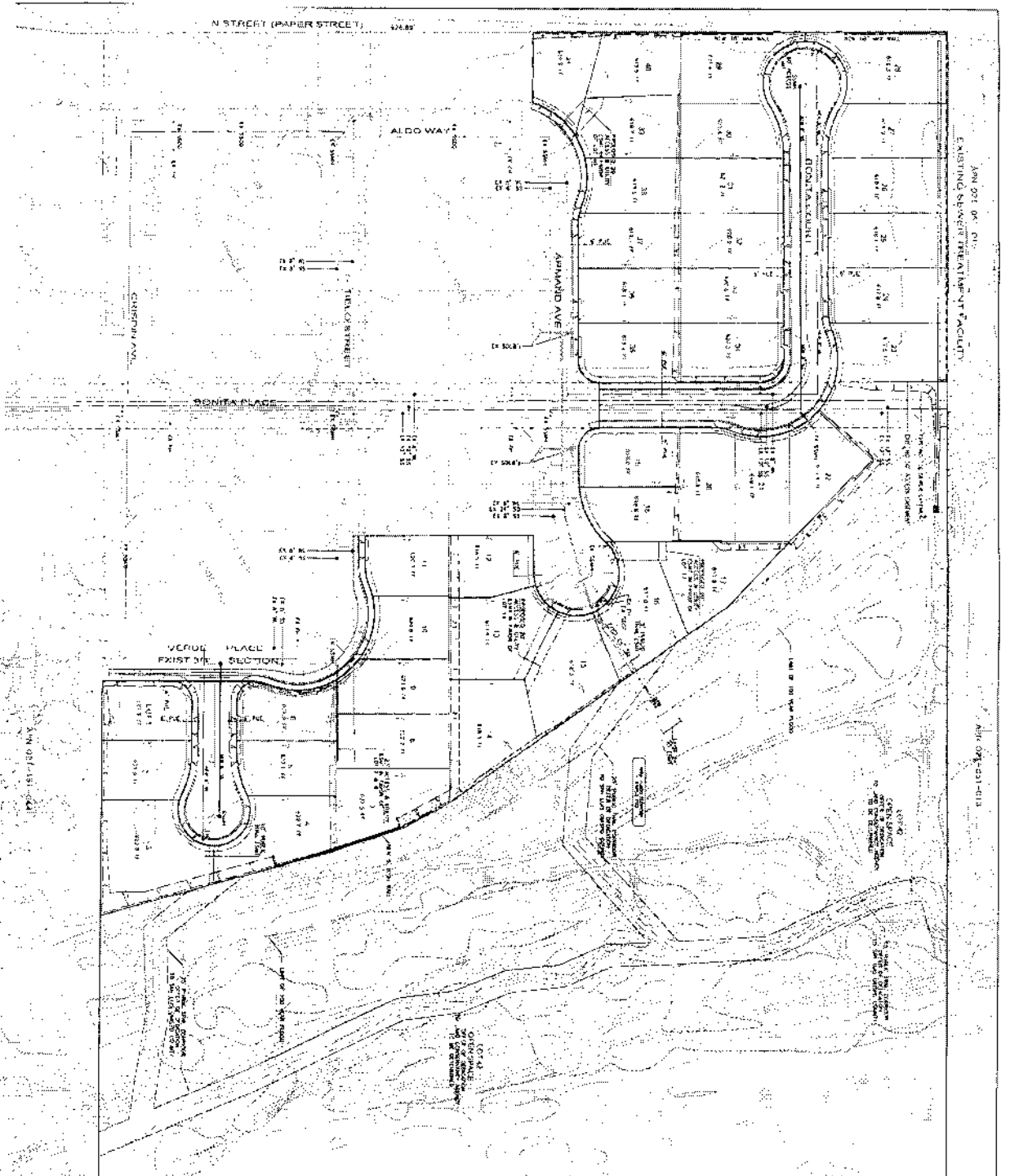
EXHIBIT

Land Use Category Map

Tract Map

Vesting Tentative Tract Map

3-50



3-51



PROJECT

Tract Map

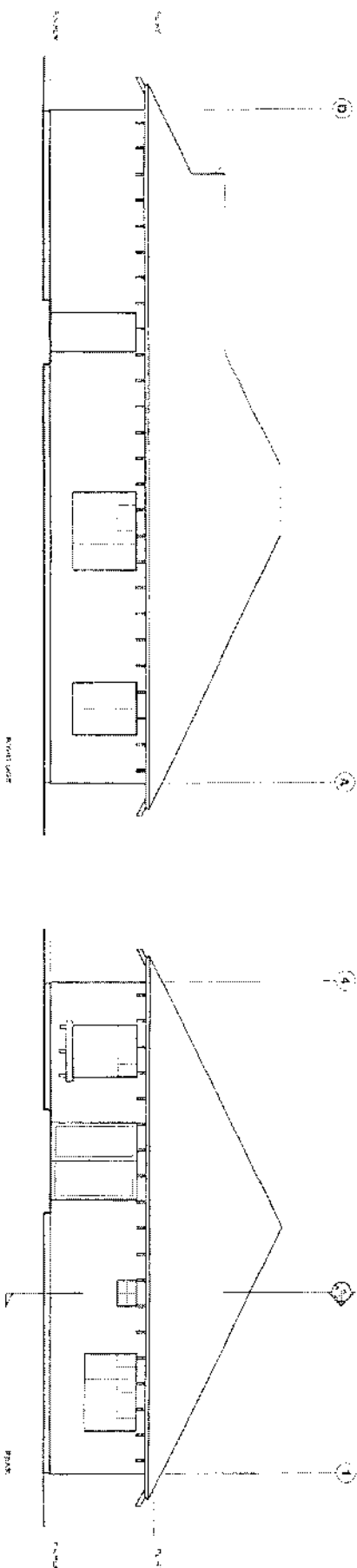
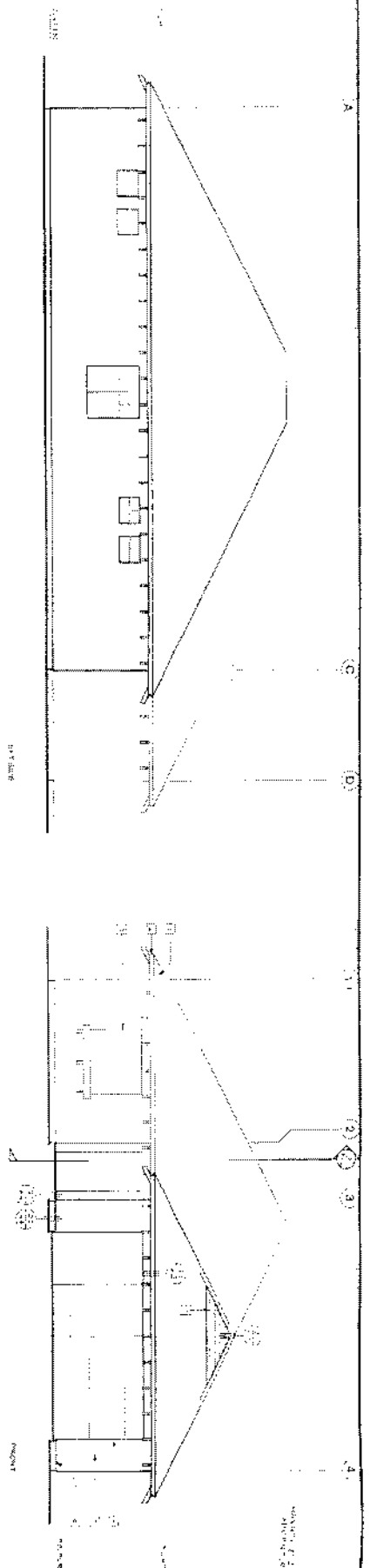
Michaud S030129T



EXHIBIT

Aerial Photo

3-52



EXTERIOR ELEVATIONS

- ELEVATION REFERENCE NOTES:
- 1. EXTERIOR WALLS
 - 2. EXTERIOR ROOF
 - 3. EXTERIOR FLOORING
 - 4. EXTERIOR CEILING
 - 5. EXTERIOR LIGHTING
 - 6. EXTERIOR PAINT
 - 7. EXTERIOR FINISHES

PROJECT

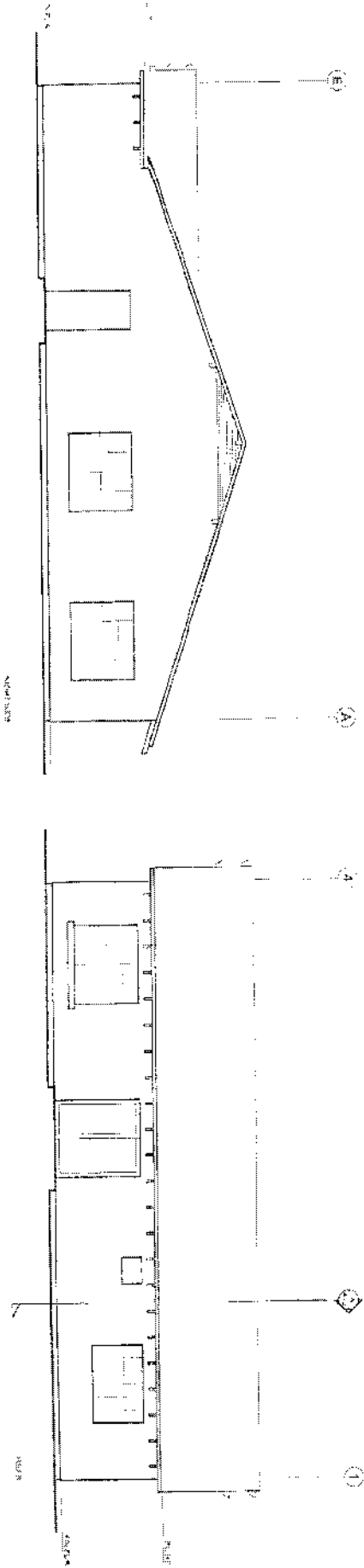
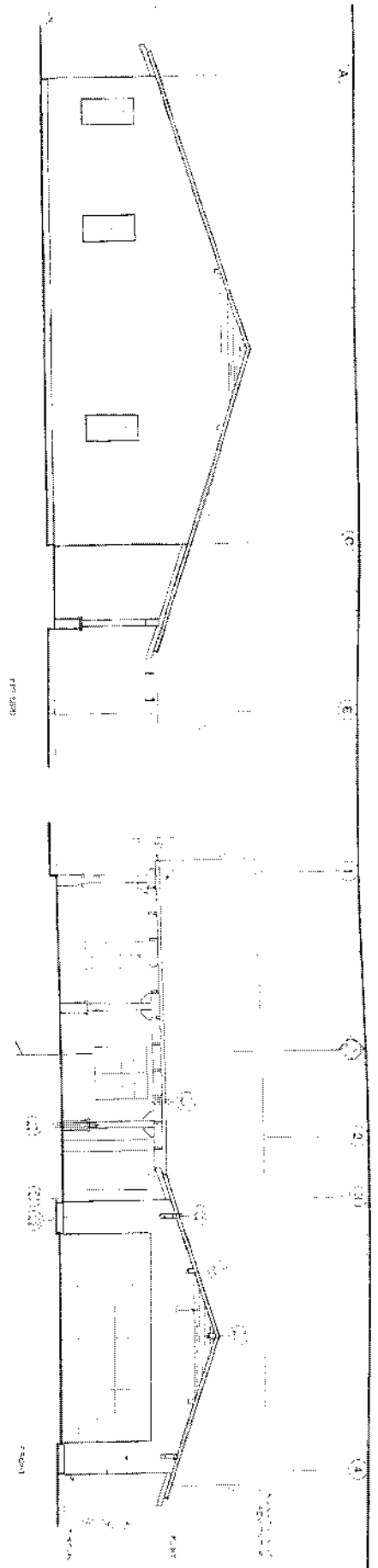
Tract Map
Michaud S030129T



EXHIBIT

Elevations/ Plan 1356-Option A

3-53



EXTERIOR ELEVATIONS

ELEVATION REFERENCE NOTES

1. COLOR SPECIFIED
2. FINISH SPECIFIED
3. MATERIAL SPECIFIED
4. COLOR SPECIFIED
5. FINISH SPECIFIED
6. MATERIAL SPECIFIED
7. COLOR SPECIFIED
8. FINISH SPECIFIED
9. MATERIAL SPECIFIED

PROJECT

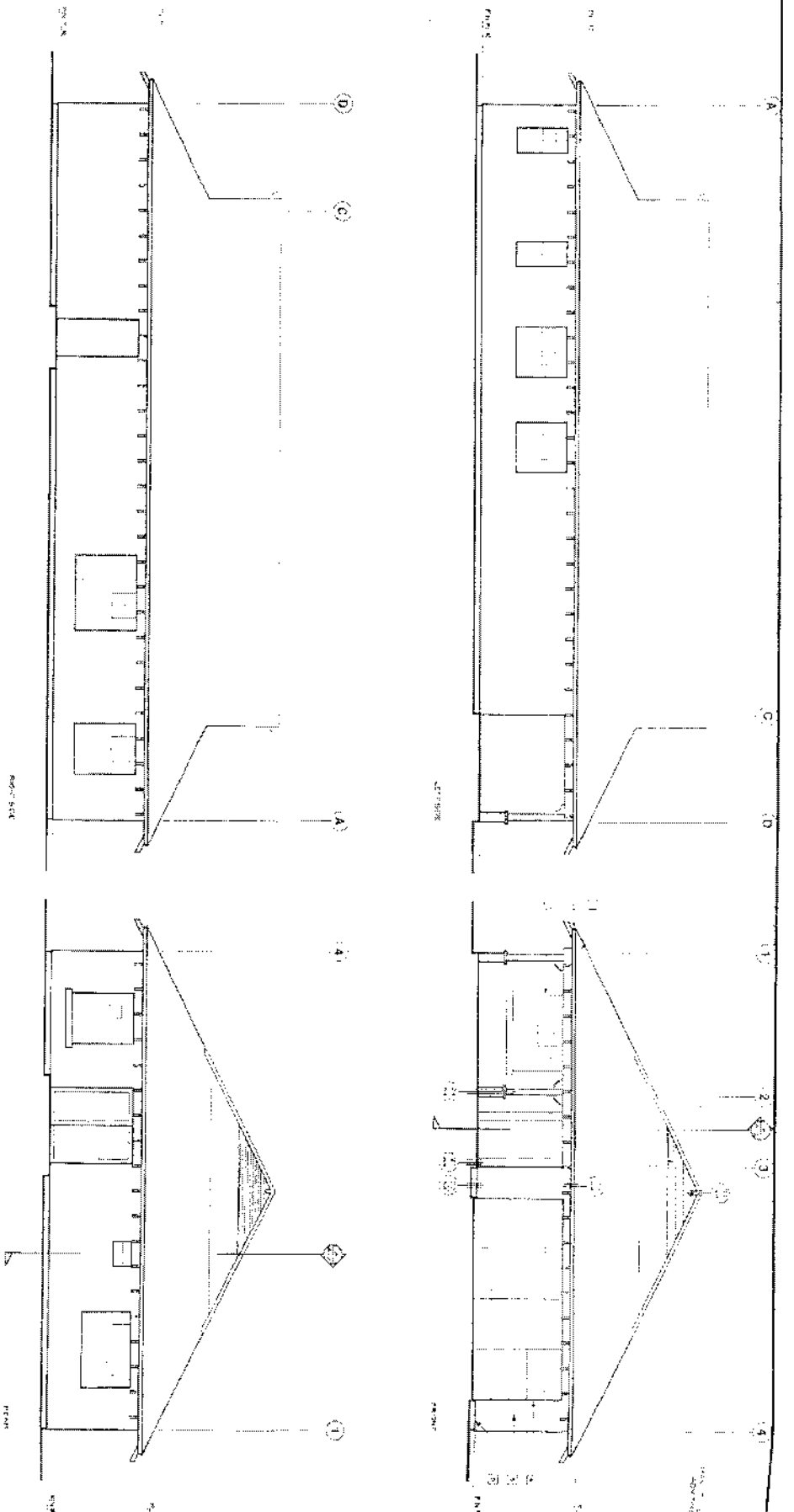
Tract Map
Michaud S030129T

EXHIBIT

Elevations/ Plan 1458-Option B



3-54



EXTERIOR ELEVATIONS

ELEVATION REFERENCE NOTES

- 1. SEE PLAN
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PROJECT

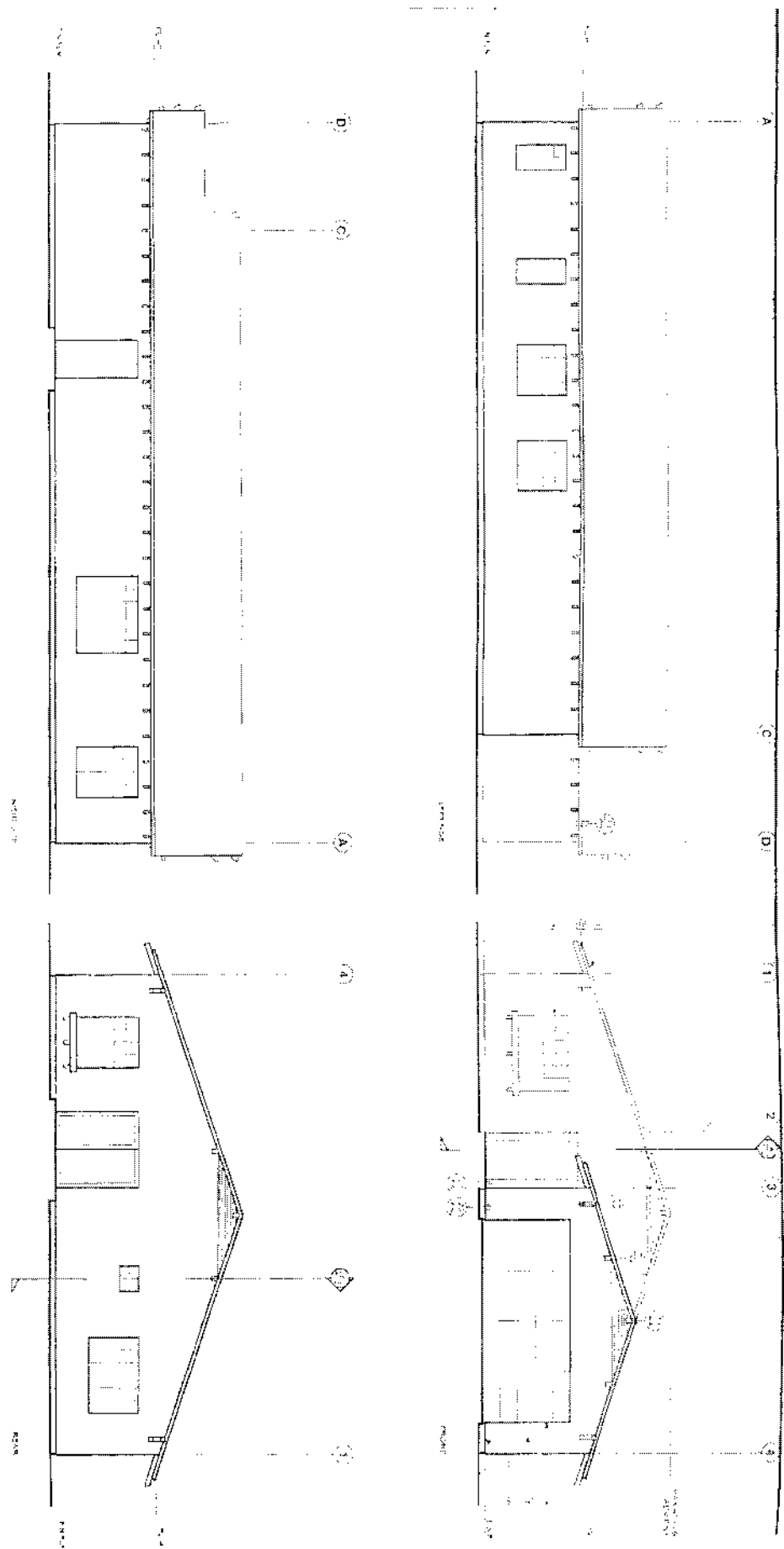
Tract Map
Michaud S030129T



EXHIBIT

Elevations/ Plan 1519-Option A

3-55



EXTERIOR ELEVATIONS

- ELEVATION REFERENCE NOTES
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PROJECT

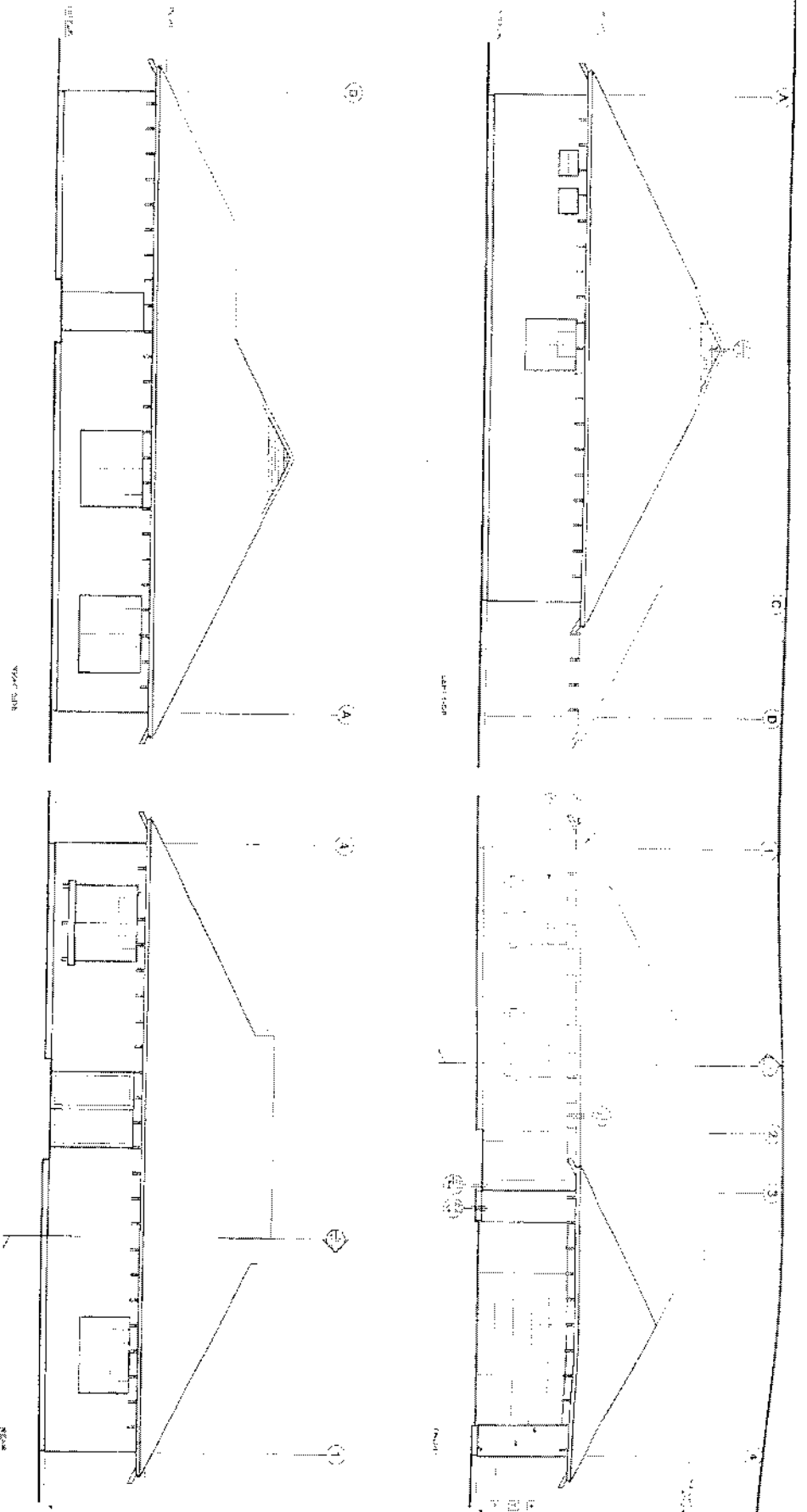
Tract Map
Michaud S030129T



EXHIBIT

Elevations/ Plan 1519-Option B

3-56



EXTERIOR ELEVATIONS

ELEVATION REFERENCE NOTES

- 1. FOUNDATION
- 2. ROOF
- 3. EXTERIOR WALLS
- 4. EXTERIOR DOORS
- 5. EXTERIOR WINDOWS
- 6. EXTERIOR STAIRS
- 7. EXTERIOR LIGHT FIXTURES

PROJECT

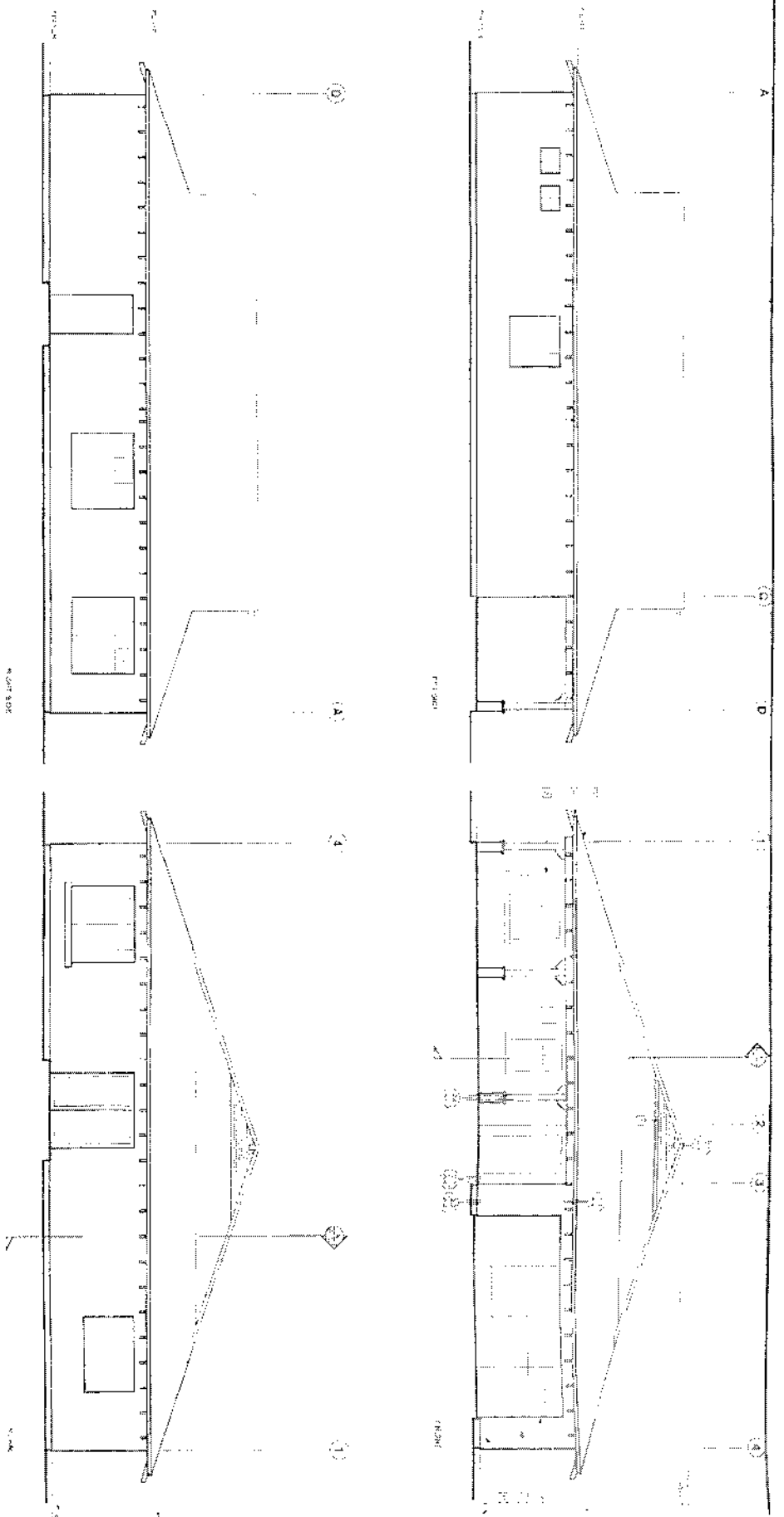
Tract Map
Michaud S030129T



EXHIBIT

Elevations/ Plan 1634-Option A

3-57



EXTERIOR ELEVATIONS

ELEVATION REFERENCE NOTES

- 1. EXISTING
- 2. NEW
- 3. REPAIR
- 4. DEMOLITION
- 5. FINISH
- 6. MATERIAL
- 7. COLOR
- 8. TEXTURE
- 9. FINISH
- 10. MATERIAL
- 11. COLOR
- 12. TEXTURE
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- 49. FINISH
- 50. MATERIAL

PROJECT

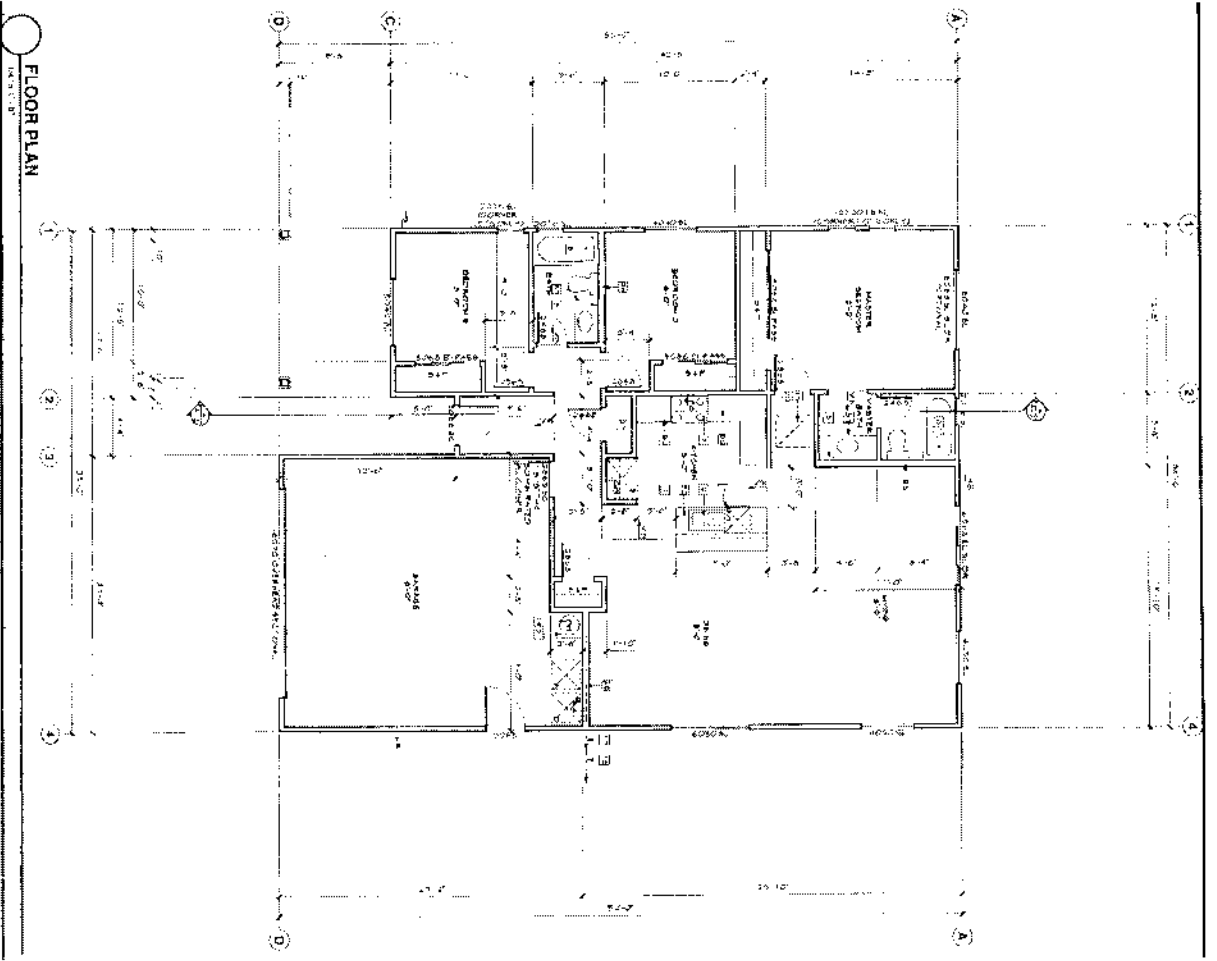
Tract Map
Michaud S030129T

EXHIBIT

Elevations/ Plan 1634-Option B



3-58



FLOOR PLAN

PROJECT

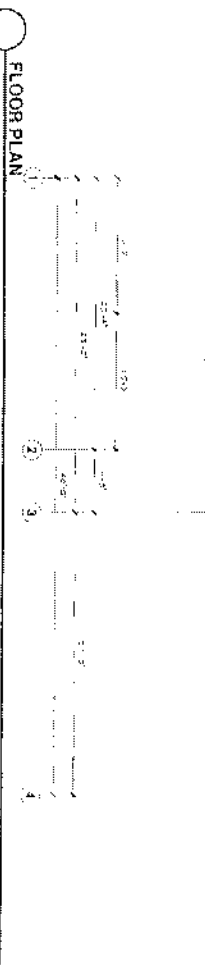
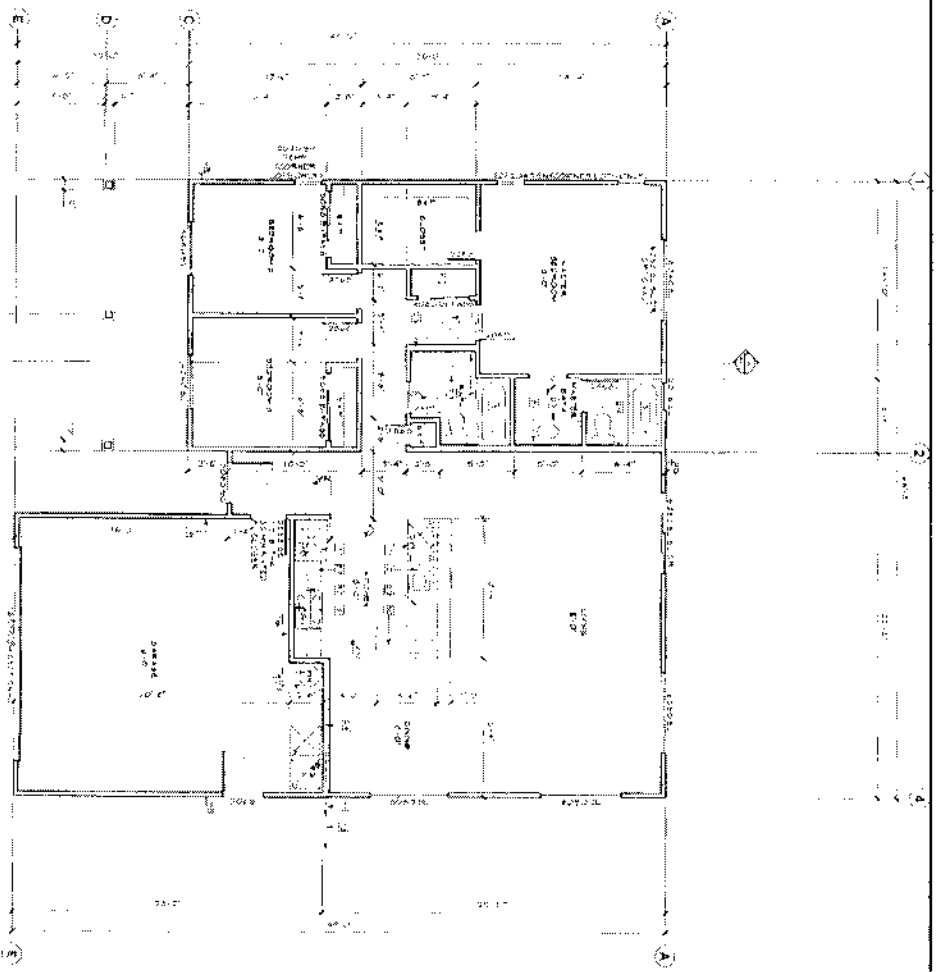
Tract Map
Michaud S030129T

EXHIBIT

Floor Plan 1356



3-59



PROJECT

Tract Map
Michaud S030129T

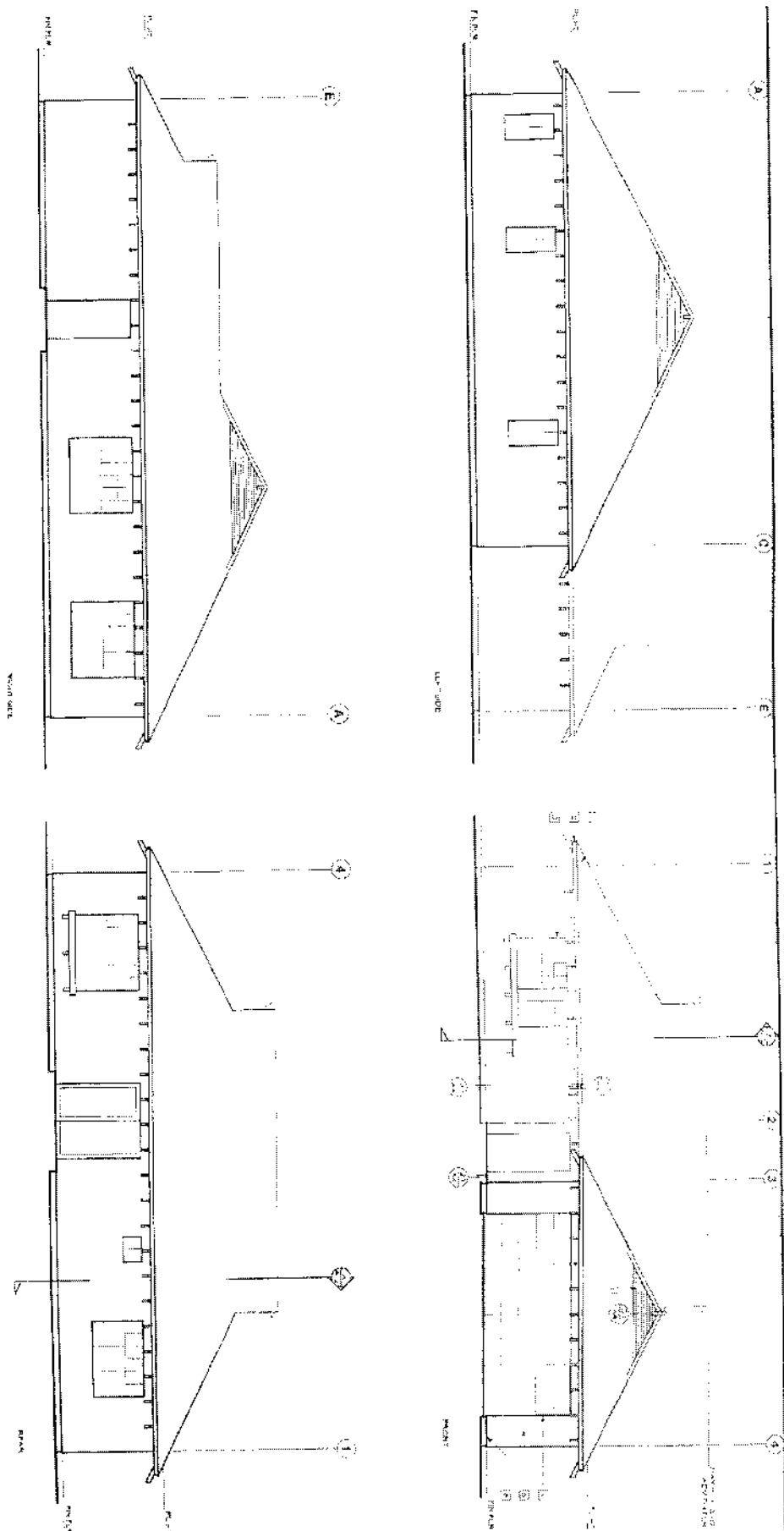
EXHIBIT

Floor Plan 1458



3-60

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXTERIOR ELEVATIONS

ELEVATION REFERENCE NOTES

1. CO. # SYMBOL
2. DIMENSION
3. VERTICAL DIMENSION
4. DIMENSION FROM FINISHED GRADE
5. ELEVATION NUMBER
6. FINISHED GRADE
7. FINISHED GRADE

PROJECT

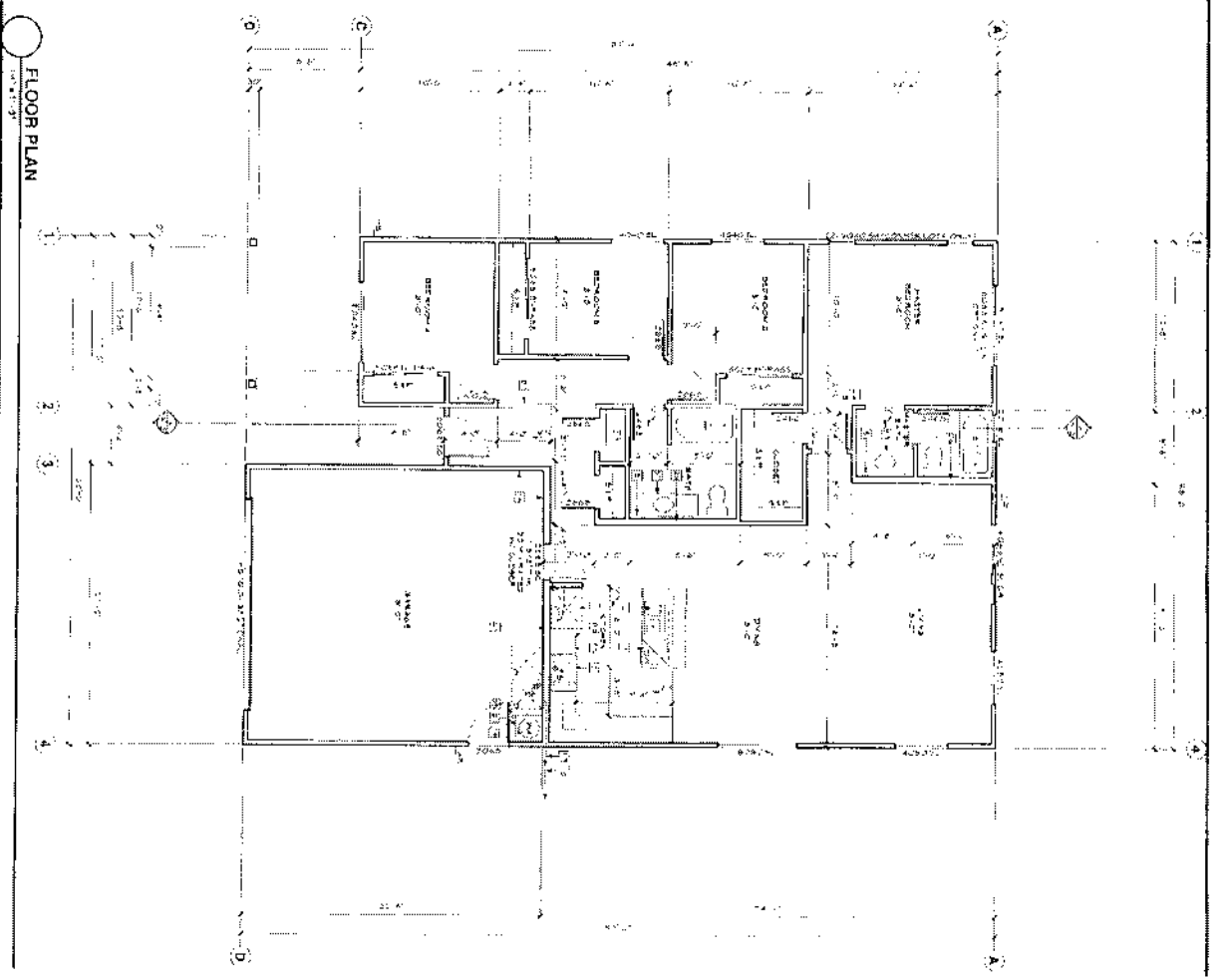
Tract Map
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EXHIBIT

Elevations/ Plan 1458-Option A



3-61



FLOOR PLAN

PROJECT

Tract Map

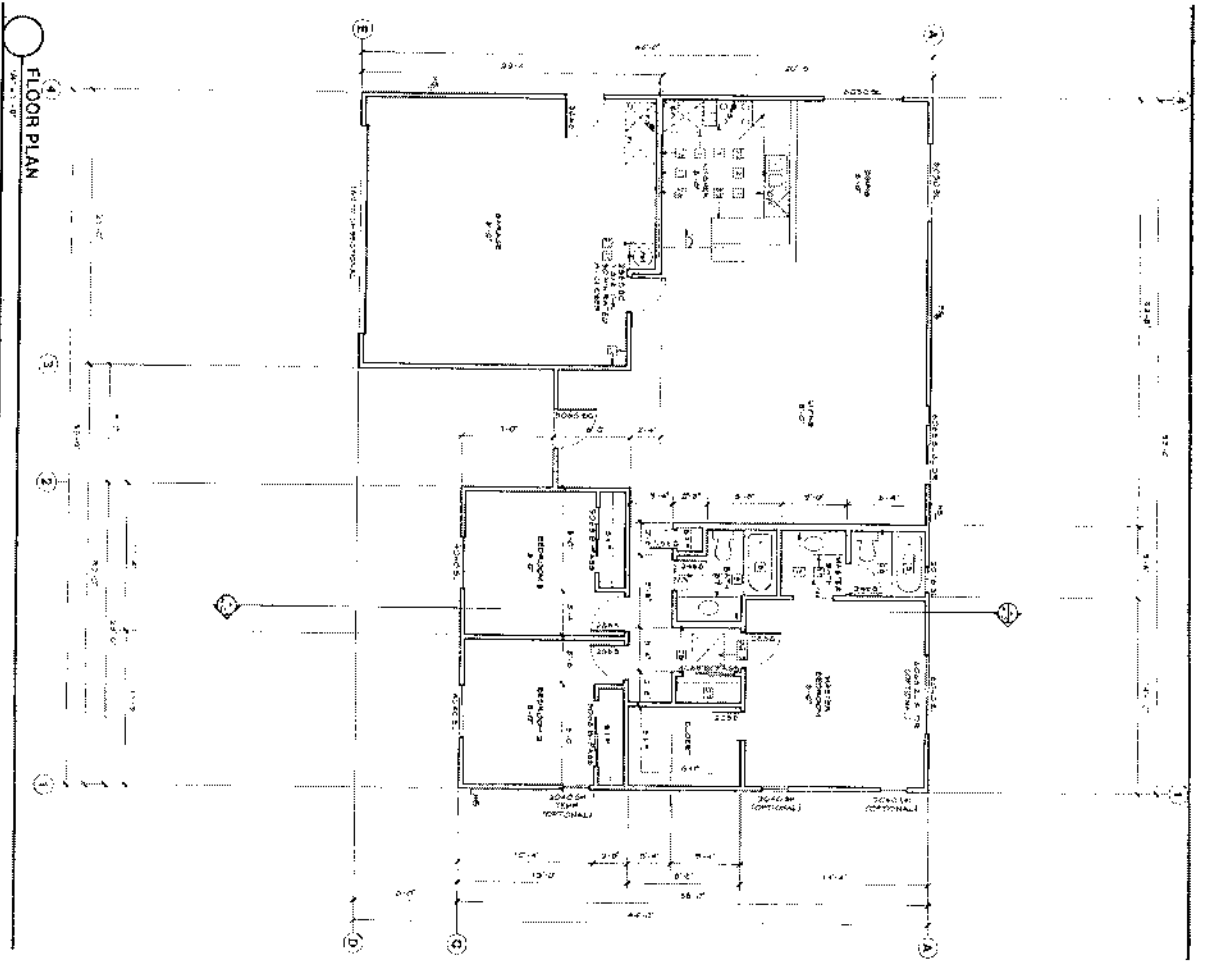
Michaud S030129T



EXHIBIT

Floor Plan 1519

3-62



FLOOR PLAN

PROJECT

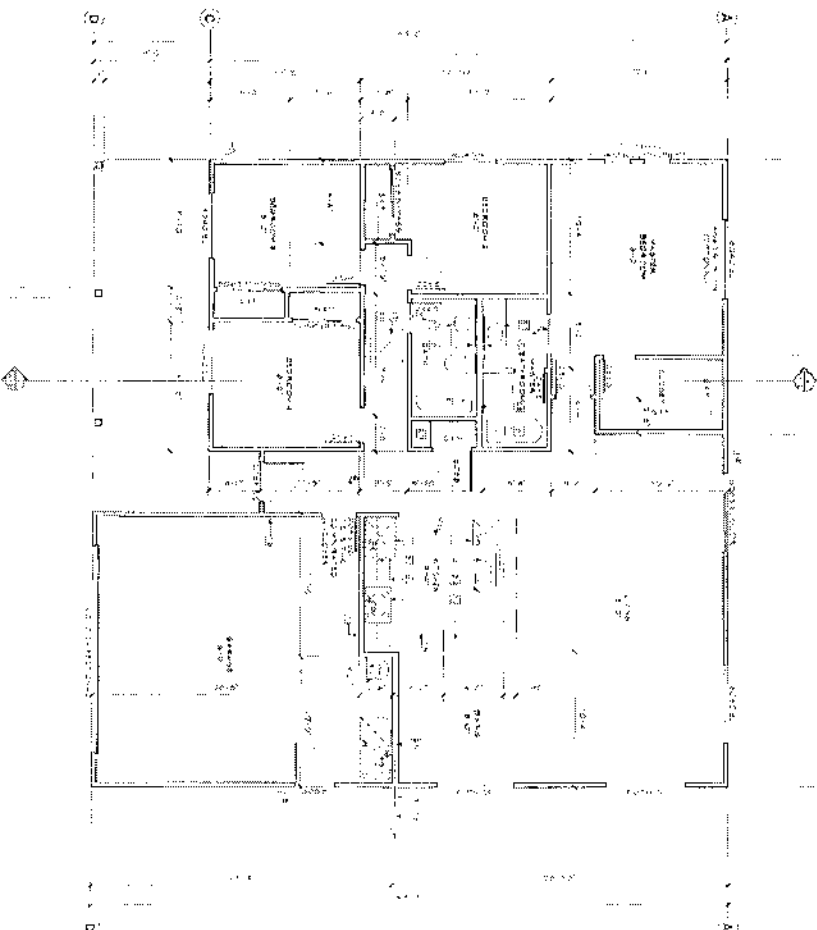
Tract Map
Michaud S030129T

EXHIBIT

Floor Plan 1552



3-63



FLOOR PLAN

PROJECT

Tract Map
Michaud S030129T



EXHIBIT

Floor Plan 1634

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